

COMMISSIONERS APPROVAL

CHILCOTT *g*

LUND *ALL*

THOMPSON *AK*

TAYLOR (Clerk & Recorder)

Date.....April 4, 2006

Members Present.....Commissioner Greg  
Chilcott, Betty Lund and Commissioner Alan Thompson

Minutes: .....Glenda Wiles

The Board of County Commissioners met to review the request for Commission action on the Sunnyside Orchards #3, Block 12, Lot 32, AP, Minor Subdivision with one variance request. Present at this meeting were Planners Ben Howell and Renee Van Hoven, the Developers Jason and Jeanette Joost, Consultant Jake Kammerer Environmental and Citizen Rod Freeman.

Commissioner Lund read the following statement:

Today's agenda includes one or more land use issues. Because of my years of service as Ravalli County Clerk & Recorder and now as Commissioner and because members of my family are involved in the real estate profession, I am providing this statement in the interest of full and open disclosure. My husband, son and brother-in-law are realtors who conduct business in this county. I do not participate in their real estate business or related matters except as the passive title owner of the building rented by their real estate business. Although connections with my family or their business and the land use issues facing us today are possible, I am not aware of any direct connections and thus do not believe I have any conflicts of interest arising out of my participation in today's meeting.

Ben stated they received a memo on March 10<sup>th</sup> from Stevensville School giving their comments on this subdivision, noting the amount of \$4,800 for elementary student and \$5,200 per high school student. Ben noted the question is if this is new information. Commissioner Thompson stated he asked the Planning Staff about this information, along with information about the roads being maintained by the County. Stevensville High and Florence School, along with other school districts, have addressed this information in the past, and therefore he does not see this as new information. Commissioner Lund concurred this is not new information. Commissioner Chilcott stated he too concurs.

Ben then presented the staff report and Request for Commission Action as follows:



## REQUEST FOR COMMISSION

### ACTION

OG-06-03-370

Site Visit: March 30, 2006 @ 4:00 p.m.  
Meeting: April 4, 2006 @ 9:00 a.m.  
Request: To act on the Sunnyside Orchards #3, Block 12, Lot 32, AP Minor  
Subdivision with One Variance Request

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#### I. ACTION REQUESTED

This is a request from Blue Jay Investments, LLC, represented by Kammerer Environmental Consulting, LLC, to create the **Sunnyside Orchards No. 3, Block 12, Lot 32, AP Minor Subdivision with One Variance Request.**

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#### II. BACKGROUND

The Sunnyside Orchards No. 3, Block 12, Lot 32, AP Minor Subdivision is a four-lot subdivision of 10.00 acres located northeast of Stevensville. The portion of the property along Ambrose Creek Road is relatively level and then slopes down to the south. There are no-build/alteration zones on areas with slopes greater than 25%. It appears a portion of the property has been used for agriculture in the past.



**Map 1: Location Map**

(Source Data: Ravalli County Planning Department)

In conjunction with the subdivision proposal, the applicant is requesting a variance from Section 5-2-2(c)(6) of the Ravalli County Subdivision Regulations, to allow the lots to be accessed by two common accesses off Ambrose Creek Road instead of an internal road.

*Staff recommended denial of the variance request and conditional approval of the subdivision proposal.*

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### **III. PLANNING BOARD RECOMMENDATION**

The Ravalli County Planning Board conducted a public hearing on this proposal on March 1, 2006 and took the following actions:

The Board chose not to review the variance criteria beyond their discussion and the analysis in the staff report. The Board made a motion to **approve** the variance request, based on the findings that the topography of the ground makes it difficult to build an internal road, it is unsafe to access the subdivision off Illinois Bench Road because of the proximity to the intersection with Ambrose Creek Road, there will be negative impacts to the environment and noxious weed control will be difficult if an internal road is constructed, and the fact that the three-way stop at the corner of Illinois Bench Road and Ambrose Creek Road will slow traffic down. **The Board voted 7-2 to approve this motion.**

The Board chose not to review the subdivision criteria beyond their discussion and the analysis in the staff report. The Board made a motion to **approve** the subdivision based on the findings of fact and conclusions of law in the staff report and subject to the conditions in the staff report, amending the Notification

of Proximity to Ambrose Creek in Condition 1 to state that the subdivision is located approximately 530 feet away from Ambrose Creek, Condition 8 to state that an encumbrance of \$500 per lot to be made to the Three Mile Rural Fire District upon first conveyance of each lot shall be placed on the final plat, Condition 10 to state that an encumbrance of \$250 per lot to be made to the Lone Rock School District and \$100 per lot to be made to the Stevensville School District upon first conveyance of each lot shall be placed on the final plat, and Condition 11 to state that the no-build zone on the bottom of the bench traversing through the property is only for residential dwelling structures. The Board voted 7-2 to approve this motion.

*Comments from the meeting are contained in the record.*

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#### IV. PLANNING BOARD'S RECOMMENDED MOTIONS

(Changes to staff's recommended motion is in underline/~~strikeout~~.)

1. That the variance request from Section 5-2-2(c)(6) of the Ravalli County Subdivision Regulations, to allow two common accesses to serve the lots instead of an internal road, be ~~denied~~ approved, based on the findings of fact and conclusions of law ~~in the staff report~~ as amended herein.
2. That the Sunnyside Orchards No. 3, Block 12, Lot 32, AP Minor Subdivision be approved, based on the findings of fact and conclusions of law in the staff report and subject to the conditions in the staff report as amended herein.

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#### V. PLANNING BOARD'S RECOMMENDED CONDITIONS

(Changes to staff's recommended motion is in underline/~~strikeout~~.)

1. A document entitled "Notifications to Future Property Owners" that includes the following notifications and the attachments listed below shall be included in the submittal of the final plat to the Planning Department and filed with the final plat:

***Notification of Proximity to Agricultural Operations.*** This subdivision is located near existing agricultural activities. Some may find activities associated with normal agricultural activities objectionable and dangerous. (*Effects on Agriculture*)

***Limitation of Access onto a County Road.*** A "no ingress/egress" restriction is located along the Ambrose Creek Road and Illinois Bench Road frontages of the subdivision, which precludes vehicular access onto these County-maintained roads, excepting the approved approaches for the internal subdivision road two common accesses. This limitation of access may be lifted or amended with approval of the County. (*Effects on Local Services*)

***Notification of ~~Road~~ Common Access Maintenance Agreement.*** Ravalli County, the State of Montana, or any other governmental entity does not maintain the ~~internal subdivision road~~ two common accesses and therefore does not assume any liability for improper maintenance or the lack thereof. A ~~Road~~ Common Access Maintenance Agreement for this road the common accesses was filed with this subdivision and outlines what parties are responsible for maintenance and under what conditions. (*Effects on Local Services - Roads*)

***Notification of No-Build/Alteration Zones and No-Build Zone.*** Within this subdivision there are no-build/alteration zones on Lot 32A, as shown on the plat, to restrict building on slopes greater than 25%. No new structure, with the exception of fences, may be constructed in this area. There is also a no-build zone located on the southern portion of the property, below the bench, as shown on the plat. No residential dwelling structures may be constructed in this no-build zone. (*Effects on Natural Environment, Wildlife and Wildlife Habitat, and Public Health and Safety*)

***Notification of Proximity to Ambrose Creek.*** This subdivision is located ~~in close proximity to~~ approximately 530 feet from Ambrose Creek. There is an inherent hazard associated with creeks, due to potential soil erosion, flooding and movement of the creek channel. (*Effects on Public Health and Safety*)

***Notification of Proximity to Unnamed Drainage.*** An unnamed intermittent creek is located to the south of this subdivision. There is an inherent hazard associated with creeks, due to potential soil erosion, flooding and movement of the creek channel. It is recommended that property owners of this subdivision obtain flood insurance. (*Effects on Public Health and Safety*)

***Notification of Severe Soils.*** Within this subdivision there are areas of the property identified as potentially having soils rated as severe for roads and building sites. The approximate locations of these areas can be found on a reduced copy of the final plat and descriptions of the severe soils are included as exhibits to this document. (The applicant shall include the exhibits as attachments) (*Effects on Public Health and Safety*)

2. Protective covenants for this subdivision shall be submitted with the final plat that include the following provisions:

***Living with Wildlife.*** (See FWP letter in Application packet for required provisions.) (*Effects on Agriculture, Natural Environment, Wildlife and Wildlife Habitat, and Public Health and Safety*)

***Waiver of Protest to Creation of RSID/SID.*** Owners and their successors in interest waive all rights in perpetuity to protest the creation of a city/rural improvement district for any purpose allowed by law, including, but not limited to creating and/or improving a community water or wastewater treatment system and improving and/or maintaining the roads that access the subdivision, including related right-of-way, drainage structures, and traffic control signs. *(Effects on Local Services)*

***Required Posting of County-Issued Addresses for Lots within this Subdivision.*** The Three Mile Fire District has adopted the Uniform Fire Code (UFC), which requires lot owners to post County-issued addresses at the intersection of the driveway leading to the primary residence and the accessing road as soon as construction on the residence begins. *(Effects on Public Health and Safety)*

***Access Requirements for Lots within this Subdivision.*** All accesses, including driveways to residences over 150' in length, must have a minimum unobstructed travel surface width of 20', a vertical clearance of 13'6", and an all weather surface that can accommodate the weight of a fire truck to meet requirements of the UFC. Please contact the Three Mile Rural Fire District for further information on the requirements of the Three Mile Rural Fire District and/or the UFC. *(Effects on Local Services)*

***Primary Heat Source.*** The primary heat source for the newly constructed residences in this subdivision shall be at least 75% efficient. *(Effects on Natural Environment)*

***Lighting for New Construction.*** Full cut-off lighting shall be required for any new construction within this subdivision. A full cut-off fixture means fixtures, as installed, that are designed or shielded in such a manner that all light rays emitted by the fixture, either directly from the lamps or indirectly from the fixture, are projected below a horizontal plane through the lowest point on the fixture where light emitted. The source of light is fully shielded, top and sides, so as not to emit light upwards or sideways, but only allowing light to shine down towards the subject that is to be lighted. Spotlighting of flag poles shall be permitted. *(Effects on Public Health & Safety)*

***Control of Noxious Weeds.*** Lot owners shall control the growth of noxious weeds on their respective lot(s). *(Effects on Natural Environment)*

***Radon Exposure.*** The owner understands and accepts the potential health risk from radon concentrations, which are presently undetermined at this location. Unacceptable levels of radon can be reduced through building

design and abatement techniques incorporated into structures. (*Effects on Public Health and Safety*)

**Amendment.** The covenants filed with the final plat shall state that written Governing Body approval shall be required for amendments to provisions of the covenants that were required to be included as a condition of subdivision approval. (*Effects on all six criteria*)

3. The subdivider shall include an RSID/SID waiver in a notarized document filed with the subdivision plat that states the following: Acceptance of a deed for a lot within this subdivision shall constitute the assent of the owners and any successors in interest to any future RSID/SID, based on benefit, for a community wastewater system, community water system, or upgrading roads leading to or within the subdivision, including but not limited to paving, curbs and gutters, non-motorized transportation facilities, street widening, and drainage facilities. (*Effects on Local Services*)
4. The final plat shall show a no ingress/egress zone along the Ambrose Creek Road and Illinois Bench Road frontages of the subdivision, excepting the approved approaches for the ~~internal subdivision road~~ two common accesses. (*Effects on Local Services and Variance*)
5. The applicant shall provide for an additional five feet of public road and utility easement along the Illinois Bench Road and Ambrose Creek Road frontages of the subdivision on the final plat. (*Effects on Local Services*)
6. ~~The applicant shall install a stop sign on the internal subdivision road at the intersection with Ambrose Creek Road or Illinois Bench Road prior to final plat approval. (*Effects on Local Services and Public Health and Safety*)~~
7. The Road Common Access Maintenance Agreement for the ~~internal subdivision road~~ two common accesses shall include the maintenance of storm water drainage facilities. (*Effects on Local Services*)
8. The applicant shall meet the water supply requirements for the Three Mile Fire District, which is a 1,000-gallon per minute water supply or a 2,500 gallon per lot water storage. Alternatively, the applicant ~~can contribute \$500 per lot and provide a letter from the Three Mile Fire District that the contribution has been made prior to final plat approval~~ shall place an encumbrance of \$500 per lot to the Three Mile Rural Fire District upon first conveyance of each lot, including lease or rent, on the final plat. (*Effects on Local Services & Public Health and Safety*)
9. The subdivider shall provide evidence with the final plat submittal that they have applied for County-issued addresses for each lot within this subdivision. (*Effects on Public Health and Safety*)

10. The applicant shall ~~provide evidence that \$250 per lot has been contributed to the Lone Rock School District and \$100 per lot has been contributed to the Stevensville School Districts prior to final plat approval~~ place an encumbrance of \$250 per lot to the Lone Rock School District and \$100 per lot to the Stevensville School District upon first conveyance of each lot, including lease or rent, on the final plat. (*Effects on Local Services*)
11. The no-build/alteration zones on Lot 32A, as shown on the preliminary plat, and the no-build zone for residential dwelling structures only on the southern portion of the property below the bench shall be shown on the final plat. (*Effects on the Natural Environment and Public Health and Safety*)
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**REMAINING ISSUES:** None.

**FISCAL IMPACT:** No extraordinary fiscal impacts noted.

**ATTACHMENTS:** Application package  
Staff Report with attachments  
Planning Board meeting minutes for the March 1, 2006  
public hearing (includes additional public comment letters  
received after Staff Report was published)

**STAFF:** Benjamin H. Howell

**DATE:** March 22, 2006

Public comment: Jake Kammerer stated they agree with the staff report, except for one point. He addressed an unnamed tributary of Ambrose Creek and the bench that is up to 10' above the drainage area. Jake stated if they follow the drain angle, they find several irrigation diversions that would prevent a flooding or storm water event. The staff report recommends no building on the lower portion of the property, and they recommend flood insurance be taken out for the new houses. Jake disagreed, stating this would be a 1,000-year flood event and this requirement would put a cloud on the salability of these lots. He stated this type of event probably would never happen.

Jason stated this is a nice area, with no agriculture on the bench. He stated it is an awesome subdivision, and based on the topography of the ground a road would go through the building envelopes.

Jon Joost felt this was a good location for a subdivision.

No opponents spoke.

Board deliberation then took place.

Commissioner Thompson stated some things troubled him. He reviewed this parcel and understands Jake's concern about the flood plain issue and purchase of insurance. All of



the homes built there on the bench would not be affected by a flood event. He stated he agreed with Jake in that respect. The Planning Board stated the land that is down below is 530' from Ambrose Creek. He stated he does not see the need for a no-build alteration zone. There should not be any inhabited structures in the lower part, but certainly there could be some corrals or barns in that lower part.

Commissioner Thompson indicated they have been consistent in limiting accesses onto Ambrose Creek Road. They have denied other accesses from other proposed subdivisions. Commissioner Thompson then reviewed a map prepared by Jake showing the access of all four lots. He noted Jason stated there was not enough room to build an internal road, and while he may agree, that is not the commissioners concern. It is not his problem if there is not enough room to build it. He disagreed with some of the Planning Board members' comments. Slowing the traffic by having an access was 'silly'. He felt the proximity of the road to Illinois Bench would not work. But the distance made by Jake appears to be appropriate. He stated he has a hard time agreeing with the variance and not requiring an internal road to be built.

Commissioner Thompson asked Jake if this is more than one parcel. Jake stated it is one piece, but it overlaps the section line. Commissioner Thompson asked about prime farmland. Jake stated that was below this parcel where the houses are to be located.

Commissioner Thompson stated he does not like the two accesses to the road. He stated he prefers the plat submittal that Jake prepared. This has a frontage road. Jake stated the Planning Board requested he draw in a frontage road based on the policy. He then contacted emergency services, which included Russ Geise, who felt the frontage road was more dangerous than having the two accesses. Russ stated the paved access does not put his emergency vehicles far enough off the road and felt the two common accesses were much safer than the frontage road. That is why the Planning Board agreed with the variance. Jake stated the problem with the initial drawing of the interior road was they already had DEQ approval and it removed one of the septic tanks and wells. He also visited with the Highway Patrol and found that the access road into the Lord's Property (next to this proposed subdivision) does not cause a problem, but vehicle headlights are set off so as not to blind the drivers as they pass. However, it works against this particular subdivision. Jake stated the county is asking for a 5' right-of-way from Ambrose and N. Illinois Bench Road, which would push the building envelopes for two of these lots, causing a problem for the subdivision.

Commissioner Thompson stated his concern is still that they have consistently cut down the access on the major collector roads. He foresees constant development in that area and the more accesses they grant, the greater the problem. Jake stated the subdivision on Tripp Lane has four accesses, which is a recent subdivision. Jake stated the cars are slowing down at the turn, which should reduce the problem.

Jake stated they are willing to make accommodations to gain the second access. Commissioner Thompson asked staff what is the space is needed for; the speed of the traffic or the distance? Renee stated this is under the new ASTHOW standards and they

are not sure if these two intersections allow enough distance. Commissioner Lund stated David Ohnstad's email stated it is 300 feet for the separation of access. Commissioner Lund stated Commissioner Thompson's question is the access point between the access and the intersection.

Commissioner Lund stated she prefers plan #4, which includes the frontage road, allowing the easement to be on the north side of the road. She asked if they could pile the easements on top of each other. Renee stated the road standards need 60 feet and if they went less than that they would need a variance. Commissioner Lund stated the developer is giving us 5' and if we incorporated this, then they would only need 60'.

Commissioner Chilcott stated if they consider abutting two road easements, they should require less easement because the grading and draining, etc., should not require as much easement to handle this infrastructure. Renee stated as long as the internal road had a 60' easement they would not need a variance. She stated she is not sure if Ambrose Creek Road could be part of the easement. Commissioner Chilcott said if they went to widen Ambrose Creek it would still fall under a public easement (for this internal road). Commissioner Chilcott stated he is concerned about the connectivity on the internal roads. This internal road has no future use, with the exception of this development. This is a double dead end road and it has no future potential use.

Commissioner Thompson stated he understood Commissioner Chilcott's statement. Commissioner Chilcott stated he would have approved this internal road with the access coming in and going out, but the request is for two accesses, which is not what he wants to see. The topography does not lend itself to an access on Illinois Bench.

Commissioner Lund stated she does not want asphalt on the frontage road, as she does not like to see asphalt in an area that is rural.

Commissioner Chilcott stated the internal roads are to mitigate the multiple accesses on to a road. That safety minimizes the concerns of the vehicle headlight issue. Jake stated the homebuilders would probably put their homes on the back side of the lots and the 18' travel surface of the road would be close to Ambrose.

Commissioner Chilcott stated the flaw is the distance of the approach from the road and the intersection. Renee stated the encroachment policy requires 300'. Commissioner Chilcott asked if there was a requirement from the second access. Renee stated under the encroachment policy this would be defined as an access. Ben stated lots C and D would fall under the encroachment policy.

Commissioner Lund asked if lot 32D could be larger. Jake stated if the difference is to move the access past the pole, they would move the access past the power pole and it would give them the required 300 feet.

Commissioner Chilcott asked why they should build another road next to Ambrose. Why couldn't they asphalt the whole area? Commissioner Lund stated if they move a

boundary line it would be new information and they would have to go back to the Planning Board.

Commissioner Thompson agreed they could move the access down 40' from the pole but that would create an access onto Lot 32D. Commissioner Lund stated that would be a driveway. Commissioner Chilcott stated that would be a road and any change would require the subdivision to go back to the Planning Board, as it is new information.

Jake stated the Planning Board had quite a bit of deliberation about moving the access to either side of the power pole. The developer is willing to move the access either one way or the other. It becomes a road when it crosses a lot line.

Commissioner Chilcott stated it does not meet the 300'. Ben said that is correct. The variance is for the internal road requirement.

Renee stated the 300 feet is a policy. There was discussion of other subdivisions with this area.

Commissioner Thompson stated he understands some of what Jake stated, but he is still troubled with the two accesses, one of which is less than 300' from the intersection. If they were to move the access to the other side of the power pole (west side) they would meet the 300' requirement. However, he does not like to ignore established policy.

Jake asked if that would require a variance from the paving standards and if it would require them to go back to the Planning Board. This was under the old road standards. Renee stated this was submitted on the same day as the standards were approved. Renee stated the road plans would change if they relocated the access and it would need to go back to the Planning Board, as it changes the road. Commissioner Thompson felt this was minor deviation and would not need to go back.

Commissioner Chilcott stated he was still confused as to why they would want to move the access. Commissioner Thompson said in order to address the safety issue of the headlights facing onto the main road from the access road. Commissioner Thompson stated he had no problem with the original proposal with the access between Lots A and B, as it provides greater distance from N. Illinois Bench.

Jake stated if they want to be consistent, they should review the Lord Subdivision, which has the circular road with the accesses.

Commissioner Thompson stated they are concerned with the accesses. Commissioner Chilcott said the speed on Ambrose is 50 miles per hour.

Commissioner Thompson asked Renee if it is possible to deny the variance, allow for one access and the internal road, and not pave it. Renee stated they would need another variance for paving the internal road so it would have to go back to the Planning Board.

Commissioner Thompson commented if they approve the variance and give them two accesses, they deny the policy. Jake stated they believe they can work around that policy.

Commissioner Lund asked about the letter form Stevensville School and asked that school bus warning signs be installed. Renee indicated that could be addressed in condition No. 12.

Commissioner Chilcott noticed the proposed internal road shows a limitation as it crosses a proposed well site. Well sites should not be hard to find. Jake said it is a matter of going back through the DEQ process, as a septic system is also part of this. The 60' easement causes an issue for separation on Lot 32B and Lot 32C in regard to the well.

Jake also noted DEQ is requiring easements for mixing zones. Commissioner Chilcott stated the easement for mixing zones is for private property only, not public right-of-ways. Jake stated Commissioner Chilcott might be incorrect on that. Commissioner Chilcott stated that was a specific conversation during the Board of Health meeting.

Commissioner Thompson stated after multiple discussion, it would appear there is a consensus to allow two accesses, therefore he made a motion that the variance request from Section 5-2-2( c ) (6) of the Ravalli County Subdivision regulations to allow two common accesses to serve the lots instead of an internal road be approved, based on the findings of fact and conclusions of law, as amended herein, with the stipulation that the eastern-most access be located on Lot 32C, a distance from Illinois Bench Road of at least 300'.

Discussion of the motion then occurred. Renee stated that would make it a road that accesses a lot, and it would need a variance. There was discussion of moving the power pole and the separation of distance policy.

Commissioner Chilcott asked if they could widen the easement. Renee stated she does not see anything that says they can not. Commissioner Chilcott stated they need to follow the law and he does not want to violate their own policy. He stated they need to address the public health and safety, but does not want to send it back to the Planning Board because they have approved something less than what they are talking about. Renee stated they should ask Civil Counsel this question.

James was now present. The issue was explained to James for his legal opinion. James stated the definition would be that the access would be a road. Commissioner Chilcott stated they only want to shift the access off the property line. James said then Lot 32C would not be accessing their property from the easement of Lot 32D.

Discussion continued to occur between Civil Counsel, Planning Staff, the Board and the audience.

James stated there is nothing to approve of this variance on a technical level, but if it is not safe, the Commissioners should not grant the variance. The access permit is a

recommendation, not a requirement. Jason stated that issue came up during the Planning Board meeting. James asked if the Road department made a specific statement. Ben stated they did make a statement. James noted David only addresses the 300' but does not state anything specific on this 278'.

The motion died for lack of a second.

Commissioner Thompson made a new motion that the variance request from Section 5-2-2(c) (6) of the Ravalli County Subdivision Regulations, to allow two common accesses to serve the lots instead of an internal road, be approved, and based on the findings of fact and conclusions of law, as amended herein. And further, that the Sunnyside Orchards No. 3, Block 12, Lot 32, AP Minor Subdivision be approved, based on the findings of fact and conclusions of law in the staff report and subject to the conditions in the staff report as amended herein and that the condition be added to have signs for "school bus warning", as per the Federal Highway Uniform Traffic Control Devices be placed on Ambrose Creek Road.

Commissioner Lund seconded the motion. The conditions were then reviewed. Commissioner Thompson indicated he would like to see the last sentence of Condition #1 removed in regard to the flood insurance requirement. The Board concurred. Therefore, the school bus sign would become condition no. 11.

All voted 'aye'.

In other matters, the Board addressed various administrative matters.

Commissioner Thompson made a motion to accept the staff recommendation and grant a 60-day extension for the subdivision improvement agreement for Wildflower Subdivision. Commissioner Chilcott seconded and all voted "aye". (Commissioner Lund left the room for this motion.)

Commissioner Thompson made a motion to adopt Resolution No. 1828, which rescinds Resolution No. 1809, removing the word 'additional' from Election language for mill levy increase in property taxes for services to the elderly. Commissioner Lund seconded the motion and all voted "aye".

County Attorney George Corn came in to discuss the public hearing for the 12<sup>th</sup>. Glenda is arranging another location, due to the possibility of having too many people present. George also thought the format should be addressed prior to the meeting allowing public participation. The Board agreed to utilize the Hamilton Middle School for this meeting on the interim zoning for the square footage for retail stores.

Commissioner Thompson made a motion to adopt the following Resolutions for Budget Transfers as follows:

- Resolution No. 1829 for fiscal year 2006 for \$6,000.00 into the Local Government Study Commission budget

- Resolution No. 1830 for fiscal year 2006 within the County Attorney's Office
- Resolution No. 1831 for fiscal year 2006 within the Treasurer's Office
- Resolution No. 1832 for fiscal year 2006 within Justice Court #2
- Resolution No. 1833 for fiscal year 2006 within the Clerk and Recorder's Office
- Resolution No. 1834 for fiscal year 2006 within Justice Court #1
- Resolution No. 1835 for fiscal year 2006 within the Treasurer's Office
- Resolution No. 1836 for fiscal year 2006 within the Sheriff's Office
- Resolution No. 1837 for fiscal year 2006 within the Clerk of Court's Office
- Resolution No. 1838 for fiscal year 2006 within the Extension Office
- Resolution No. 1839 for fiscal year 2006 within Search and Rescue
- Resolution No. 1840 for fiscal year 2006 within the Commissioners' Office
- Resolution No. 1841 for fiscal year 2006 within the Clerk and Recorder's Office
- Resolution No. 1842 for fiscal year 2006 within the Clerk and Recorder's Office

Commissioner Lund seconded the motion with the stipulation that all department heads sign the transfers. All voted "aye".

Commissioner Thompson made a motion to adopt Resolution No. 1843, which rescinds Resolution No. 1814 for Budget Amendment. Commissioner Chilcott seconded the motion and all voted "aye".

The Board then met with IT Director Joe Frohlich, GIS Director Ken Miller, Clerk and Recorder Nedra Taylor, Deputy Clerk and Recorder Tina Miller and Elections Staff Regina Wilson. The issue of discussion was the charge for the citizens to gain remote computer access for the tax, assessment and land in the amount of \$400.00. This charge will pay for the maintenance of the servers. There are six people currently utilizing this service bringing in \$2,400.00 to the county. Many other entities such as MLS Realtors have requested remote computer but do not want to pay the \$400.00.

Joe indicated they have discussed this amount and feel it should be \$100.00 per user or capped at \$400 per business. Nedra and her staff agreed this amount would be fair and reasonable, covering the costs to the county. They also felt the lower amount would allow more access by the citizens. Nedra stated the fees collected thus far have been deposited into a line item and none of the money has been utilized as of yet.

Commissioner Chilcott stated the fees should only be on the actual costs, and any change must be done by a public hearing. Nedra stated this remote access allows more people to access their needs and reduces the traffic in her office. She stated she would lose money on copies, etc., but the idea is to make it easier and more cost effective for the public. Commissioner Chilcott agreed the 'more user-friendly the better', as long as the costs are associated to the service. Joe also indicated the initial hook-up fee of \$125.00 would not change.

Joe stated he has visited with Treasurer JoAnne Johnson about the ability to pay taxes on line. He stated he must look into a web page and web document under the Black Mountain Software, making sure it does not pose a security risk first before setting this on line payment up.

Commissioner Chilcott stated the fee should be set due to maintenance cost and utilization of the server. It was agreed to move forward with a fee increase by holding a public hearing on May 9, at 9:00 am.

Joe also addressed the county-wide paging system. The 9-1-1 icon has been placed on most of the computers. The county-wide telephone system is for one building at a time. The paging test went reasonably well and they will perform another test next week. Also present for this discussion was Pete Clarkson of the County Attorney's Office, OEM Services Director Ron Nicholas and staff members, and 9-1-1 Director Joanna Hamilton.

There was discussion of placing a paging phone within each office. Pete stated with the glass at the County Attorney window, they do not have a clue as to what could be going on in other parts of the building. Discussion included worst case scenarios during various kinds of events. It was agreed that the communication issue is an important part of any situation that could occur.

It was agreed to have the Safety Committee work on these safety issues and the Board advised Pete Clarkson that he should sit on this committee in order to help facilitate the needed security changes.

In other business, the Board held a public auction for the south park lot known as Parcel B, in Bonanza Lands #2. This property contains 9.69 acres. Commissioner Chilcott read the public notice for this auction, calling the auction/meeting to order. Civil Counsel James McCubbin was present for this meeting and suggested the Board address the process for sale and the acceptable terms, which are at the discretion of the Board, along with the timing of payment. Commissioner Chilcott stated the Commissioners will accept a certified check by the end of the business day. Commissioner Thompson stated he spoke with a citizen last week in regard to the terms of sale, advising the citizens the check needed to be given to the Commissioners within 24 hours.

Robert Bertch was in the audience and stated he was the citizen who spoke with Commissioner Thompson and he has no problem with presenting a certified check by the end of the business day. It was noted that both he and Mick Item were working together in order to purchase this property.

Mick Item bid at \$54,000.00 with no other bids presented. The Board agreed to sell the property to Mick Item in that amount. Mick presented a letter of credit from Ravalli County Bank sufficient to handle the purchase price of \$54,000.00. James indicated he will prepare the deed and both Mick and Robert stated the deed could be placed in the name of Bertch LLC. Mick will bring a certified check back by end of business day. Commissioner Lund advised Mick the County would give him a quit claim deed.

In other business Commissioner Thompson attended a Human Resource meeting in Hamilton during the afternoon hours.